invoked to provide the needed protection from ongoing activities in these areas.

Health Regulations Controlling Activities in Critical Areas

Two unique examples of nonzoning approaches to ground water protection by land use controls are provided by Long Island and Cape Cod. Both areas have made extensive use of local health authority to accomplish controls over land use and human activities. These include the following:

- Suffolk County's use of its septic system permitting authority to control housing density and to prohibit certain kinds of industrial development in critical zones.
- Cape Cod towns' use of general by-laws and health regulations to control the storage and handling of toxic and hazardous materials.
- Nassau County's (Long Island) use of its Sanitary Code to control housing density and discharges in special protection areas.

Suffolk County, Long Island The Suffolk County Department of Health Services approves all on-lot sewage disposal systems under standards set by the New York State Sanitary Code and additional county restrictions. Towns cannot issue building permits unless the county's approval has been obtained for the disposal system. The county code prohibits construction of new houses using septic systems on lots smaller than 40,000 square feet within Zones III and VI. In effect, the requirements override local zoning where public sewering is not available.

In 1984, the Nassau County Health Department passed Health Ordinance X, which places similar restrictions on housing density with on-site sewage disposal within Special Protection Districts (see "Critical Area Delineation" earlier in this chapter). In addition, the article bans any disposal of nonresidential waste water on-site within the districts.

Article 7 of the Suffolk County Sanitary Code restricts the siting of industrial operations that use, generate, transport, or dispose of hazardous waste within any of the deep recharge zones (I, II, III, and V). The entire text of the regulation appears as Appendix E to this report. Key features include the following:

- A broadly defined scope of the regulation to include control over nonresidential structures, processes, facilities, and activities.
- A definition of toxic or hazardous chemicals, including a list of nearly 50 specific chemicals and several classes of chemicals. The incorporation of a list of chemicals into this kind of regulation facilitates implementation.